



STATE OF WISCONSIN – JUDICIAL COUNCIL

AGENDA

WISCONSIN JUDICIAL COUNCIL
JUNE 18, 2021 – 9:30 A.M.
STATE CAPITOL IN THE
CHAMBER OF THE SENATE PARLOR

**MEMBERS WISHING TO CALL IN SHOULD CALL (732) 434-2420
AT 11:15 A.M. ON THE 18TH OF JUNE. THERE IS NO PASSCODE**

Public Notice: Preceding the business meeting of the Judicial Council, there will be a social meeting of the Council which will last from 9:30 a.m. until 11:15 a.m.

Speical Note: The Minutes of the April 16, 2021 Council Meeting were approved on May 21, 2021. However, it was later determined that the May 21, 2021 Meeting lacked a proper quorum and so the Minutes of the April 16, 2021 Council Meeting are now again on the table. There was also a Motion on May 21, 2021 to send the issue of restyling of our Wisconsin Rules of Evidence to the Evidence & Civil Procedure Committee for consideration. However, because the May 21, 2021 meeting lacked a proper quorum, that motion is deemed unapproved and must be taken up again at this meeting.

BUSINESS AGENDA FOR MEETING COMMENCING AT 11:15 A.M.

- I. Roll Call and approval of the April 16, 2021 Minutes.
- II. **Restyling our Wisconsin Rules of Evidence.** In his Committee Report last month, Tom Shriner gave us exciting news. There is the possibility that Professor Dan Blinka (MU Professor of Evidence) may be willing to become a “reporter” of a Council effort to update our Wisconsin Rules of Evidence. In such a capacity, Professor Blinka would presumably function initially in the capacity of an ad hoc member of the Evidence and Civil Procedure Committee.
- III. Professor Blinka is not necessarily advocating the adoption of new rules of evidence. However, our Wisconsin Rules of Evidence were adopted from the Federal Rules back in 1974. Since then, the Federal Rules of Evidence have been “restyled,” and Professor Blinka is suggesting that we consider a similar restyle of our Rules of Evidence. This is an exciting prospect, but

what in the world does it mean to “restyle” rules?

- IV. As the Judicial Council, we should understand the concept of restyled rules of evidence or civil procedure before we enter into any discussions with Professor Blinka about the wisdom of doing so for Wisconsin. In our 5/21/21 meeting, we will discuss what it means to “restyle” rules with the help of two articles. The first article is from the Justia Blog (copy supplied with this Agenda) which gives a brief explanation and provides examples. The second article is from the UC Hastings College of Law Library and is a reprint of a law review article from the William and Mary Law Review: Clark, “The Restyled Federal Rules of Evidence,” 53 Wm. & Mary L. Rev. 1435 (2012) (copy also supplied with this Agenda).
- V. At our 5/21/21 meeting, a Report of the Nomination Committee was received. The lack of a quorum at the 5/21/21 meeting does not effect the Report of that Committee. The Nomination Committee consisted of the following: Chair, Judge Gasiorkiewicz; Member Judge Rober VanDeHey and Member Sarah Zylstra. The Chair reported that the Nomination Committee has nominated William Gleisner for Chair in 2021/2022 and John Orton for Vice Chair.
- VI. The floor will be open nominations for Chair and Vice Chair of the Council, followed by and a vote on the nominees for Chair and Vice Chair.
- VII. Committee Reports.
 - (a) Evidence & Civil Procedure Committee.
 - (b) Criminal Procedure Committee.
 - (c) Appellate Procedure Committee.
- VIII. Adjournment.

PUBLIC NOTICE

All meetings of the Judicial Council and its committees are open to the public. Members of the public are welcome to join the meeting in the Senate Parlor.. However, members of the public must supply their name before they will be granted admission. If any member of the public disrupts the meeting in any way, they will be asked to leave meeting and will be barred from readmission. For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or gleisnerwilliam@gmail.com.